

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LOREN L. LEISER,

Plaintiff,

v.

Case No. 20-cv-0123-bhl

KIRA LABBY, et al.,

Defendants.

DECISION AND ORDER

On February 15, 2021, Defendant Darlene Wilkey filed a motion for summary judgment on the ground that Plaintiff Loren Leiser, who is representing himself, failed to exhaust his available administrative remedies before initiating this lawsuit. Dkt. No. 66. On February 16, 2021, the Court reminded Leiser that under Civil L. R. 56(b)(2) his response materials were due on March 17, 2021. Dkt. No. 69. The Court also warned Leiser that under Civil L. R. 7(d) failure to respond to the motion or to ask for additional time to respond would be sufficient cause for the Court to grant the motion as a sanction for noncompliance. The deadline has passed, and Leiser did not oppose the motion.

The Court has reviewed Wilkey's motion, brief in support, and the undisputed facts, *see* Fed. R. Civ. P. 56(e)(2), and concludes that she is entitled to summary judgment. Additionally, pursuant to Civil L. R. 7(d), the Court finds that Leiser's failure to respond to Wilkey's motion is sufficient cause for the Court to grant the motion as a sanction for noncompliance.

IT IS THEREFORE ORDERED that Wilkey's motion for summary judgment for failure to exhaust administrative remedies (Dkt. No. 66) is **GRANTED**, and Leiser's claims against her are **DISMISSED without prejudice**.

Dated at Milwaukee, Wisconsin this 7th day of April, 2021.

BY THE COURT:

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge